

### **REMARKS**

Claims 1, 4, and 6 have been amended to advance prosecution by more specifically claiming the invention. In particular, independent Claim 1 has been amended to expressly recite that the soft fibrous material is made from a single layer nonwoven web. Claims 1, 4, and 6 have also been amended to expressly recite specific bending rigidity values for the fibrous materials of the present invention.

Claim 7 has been cancelled as being redundant in light of the amendment to Claim 6.

Upon entry of these amendments, Claims 1-6 and 8 -12 remain in the case. No additional claims fee is due.

Attached hereto is a marked-up version of the changes made to Claims 1, 4 and 6 by the current amendment. The attached pages are captioned "Version With Markings To Show Changes Made".

### **REJECTIONS UNDER 35 U.S.C. §112**

In the Office Action of March 28, 2003, the Examiner rejected Claim 7 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner states that the bending rigidity of less than 0.09 g cm<sup>2</sup>/cm in Claim 7 is more than 0.013 g cm<sup>2</sup>/cm as claimed in Claim 6. Applicants have cancelled Claim 7 herein, thereby obviating this rejection.

In light of the canceling of Claim 7 herein, the rejection of Claim 7 under 35 U.S.C. §112 should no longer be applicable and it is respectfully requested that it be withdrawn.

### **ART REJECTIONS**

Claims 1-8 and 11-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kirby et al. (US 5,533,991) in view of Brock et al. (US 4,041,203). Applicants respectfully submit that in light of the above amendments to Claims 1, 4 and 6, and the following arguments, the above identified references would not have led one skilled in the art to the invention as set forth in Claims 1-8 and 11-12.

Kirby et al. relates to a 2 layer bodyside cover for an absorbent article comprising a first apertured material and a second nonperforated nonwoven material. The second nonperforated nonwoven material is softer than the first apertured material. In contrast, the fibrous material claimed in the present invention comprises a single layer nonwoven web as opposed as opposed to 2 different layers bonded together as in Kirby et al. Applicants have amended independent Claim 1 to expressly recite that the soft fibrous material is made from a single layer nonwoven web.

The Examiner notes that the Kirby et al reference discloses a bending rigidity value of .002 g cm<sup>2</sup>/cm for the second nonwoven material. However, Kirby et al. does not provide any guidance or teaching as to fuzz removal value and/or consolidation area. Whereas in the present invention, Applicants are claiming the unique combination of three specifically defined parameters, i.e., fuzz removal value, bending rigidity, and consolidation area. Importantly, Applicants have found that fibrous material which posses this unique combination of these three parameters have excellent abrasion resistance and superior softness.

Brock et al. relates to a nonwoven fabric-like material comprising an integrated mat of generally discontinuous, thermoplastic polymeric microfibers and a web of substantially continuous and randomly deposited, molecularly oriented filaments of a thermoplastic polymer. Attachment between the microfiber mat and continuous filament web is achieved at intermittent discrete regions. In contrast, as discussed above, the fibrous material claimed in the present invention comprises a single layer nonwoven web as opposed as to a matt attached to a nonwoven web as in Brock et al. Applicants have amended independent Claim 1 to expressly recite that the soft fibrous material is made from a single layer nonwoven web.

The Examiner notes that the Brock et al reference discloses using a bonding pattern such that the bond area range is from 5-50% of the area of the web. However, Brock et al. does not provide any guidance or teaching as to softness (i.e., bending rigidity). Whereas, in the present invention, Applicants are claiming the unique combination of three parameters, i.e., fuzz removal value, bending rigidity, and consolidation area. Importantly, Applicants have found that fibrous material which

possess this unique combination of these three parameters have excellent abrasion resistance and superior softness.

The Examiner states that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the nonwoven web [of Kirby et al.] and provide it with a bonding area of 5-50%. Applicants respectfully disagree with the Examiner's assertion. The desirability of the unique combination of three properties claimed herein, that is high bond area, fuzz removal, and softness (i.e., bending rigidity) is not taught in the Kirby et al. and/or Brock et al. references. Thus, there would be no reason for one to combine the teachings of the Brock et al. reference with the Kirby et al. reference as the Examiner suggests. It is only the Applicants who have discovered the desirability of a fibrous material having this unique combination of these three parameters. Furthermore, even if one were to somehow combine the teachings of Kirby et al. with Brock et al. as the Examiner suggests, the combination would fall short of Applicants' claimed invention. The combination would yield a multi-layered nonwoven web comprising distinct layers of different materials, not the single layer nonwoven web claimed herein.

Based on the foregoing, Applicants respectfully submit that Claims 1-8 and 11-12 are not obvious over Kirby et al. in view of Brock et al., and respectfully request that the Examiner's rejections under 35 U.S.C. §103(a) be withdrawn.

Next Claims 9-10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kirby et al. (US 5,533,991) and Brock et al. (US 4,041,203) as applied to Claims 1-8 above, and further in view of Sayovitz et al. (US 6,093,665). Applicants respectfully submit that in light of the above amendments to Claims 1 and 4 and the following arguments, the above identified references would not have led one skilled in the art to the invention as set forth in Claims 9-10.

Sayovitz et al. relates to pattern bonded nonwoven fabrics and a process for producing the bond patterns. The Examiner notes that the bonded regions cover from about 3% to about 50% of the surface of the nonwoven web. The Examiner further notes that Sayovitz et al. teaches the use of bicomponent fibers in nonwoven webs. Applicants acknowledge that the use of bicomponent fibers in nonwoven webs is known in the art. However, as discussed above, there is nothing in the art teaching or suggesting the use of

bicomponent fibers in single layer nonwoven webs having the unique combination of three specifically defined parameters claimed herein (i.e., fuzz removal value, bending rigidity, and consolidation area). Importantly, Applicants have found that fibrous material which possesses this unique combination of these three parameters have excellent abrasion resistance and superior softness. The desirability of the unique combination of three properties claimed herein is not taught or suggested in any of the cited references.

Based on the foregoing, Applicants respectfully submit that Claims 9-10 are not obvious over Kirby et al. and Brock et al. and further in view of Sayovitz et al. and respectfully request that the Examiner's rejections under 35 U.S.C. §103(a) be withdrawn.

### CONCLUSION

In light of the foregoing amendments to Claims 1, 4 and 6 it is submitted that all claims remaining in the present application -- namely, Claims 1-6 and 8-12 are now in form for allowance. Accordingly, it is respectfully submitted that the rejections under 35 U.S.C. §103 and §112, be withdrawn, and the claims as amended be allowed.

Respectfully submitted,

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**Version With Markings To Show Changes Made****IN THE CLAIMS:**

Claim 1 has been amended as follows:

1. (Amended) A soft, fibrous material made from a single layer nonwoven web having a consolidation area of at least about 30%, said fibrous material having a fuzz removal value of less than about  $0.30\text{mg}/\text{cm}^2$ , and a bending rigidity in a machine direction axis of bending of less than about  $0.018\text{g cm}^2/\text{cm}$ .

Claim 4 has been amended as follows:

4. (Amended) The soft, fibrous material of Claim 1, wherein said fibrous material has a bending rigidity in a machine direction axis of bending of less than about  $[0.018]$   $0.013\text{g cm}^2/\text{cm}$ .

Claim 6 has been amended as follows:

6. (Amended) The soft, fibrous material of Claim 4, wherein said bending rigidity is less than about  $[0.013]$   $0.009\text{g cm}^2/\text{cm}$ .

Claim 7 has been cancelled without prejudice.